

lawyer and his personal qualities. His nomination languished until the end of the Bush administration. He waited almost 1,000 days for a vote that never came.

The criteria our Democratic friends cited to block Mr. Keisler's nomination then clearly show the court is even less busy now. For example, the seat to which Ms. Millett is nominated is not a judicial emergency—far from it. The number of appeals at the court is down almost 20 percent, and the written decisions per active judge are down almost 30 percent.

In addition to these metrics, the DC Circuit has provided another. The chief judge of the court, who was appointed to the bench by President Clinton, provided an analysis showing that oral arguments for each active judge are also down almost 10 percent since Mr. Keisler's nomination was blocked.

These analyses show that not only is the court less busy in absolute terms now than it was then, it is less busy in relative terms as well, when one takes into account the number of active judges serving on the court. The court's caseload is so low, in fact, that it has canceled oral argument days in recent years because of lack of cases. After we confirmed the President's last nominee to the DC Circuit just a few months ago—and by the way we confirmed him unanimously—one of the judges on the court said that if more judges were confirmed there would not be enough work to go around. So if the court's caseload clearly does not meet their own standards for more judges, why are Senate Democrats pushing to fill more seats on a court that doesn't need them? What is behind this push to fill seats on the court that is canceling oral argument days for lack of cases, and according to the judges who serve on it will not have enough work to go around if we do?

We don't have to guess. Our Democratic colleagues and the administration's supporters have been actually pretty candid about it. They have admitted they want to control the court so it will advance the President's agenda. As one administration ally put it, "The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit."

Let me repeat, the reason they want to put more judges on the DC Circuit is not because it needs them, but because "The President's best hope for advancing his agenda is through executive action, and that runs through the DC Circuit."

Another administration ally complained that the court "has made decisions that have frustrated the President's agenda." Really? The court is evenly divided between Republican and Democratic appointees. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration.

Let me say that again. According to data compiled by the Federal courts, the DC Circuit has ruled against the Obama administration in administrative matters less often than it ruled against the Bush administration. So it is not that the court has been more unfavorable to President Obama than it was to President Bush. Rather, the administration and its allies seem to be complaining that the court has not been favorable enough. Evidently they do not want any meaningful check on the President. You see, there is one in the House of Representatives, but the administration can circumvent that with aggressive agency rulemaking. That is if the DC Circuit allows it to do so.

A court should not be a rubberstamp for any administration, and our Democratic colleagues told us again and again during the Bush administration that the Senate confirmation process should not be a rubberstamp for any administration. For example, they said President Bush's nomination of Miguel Estrada to the DC Circuit was "an effort to pack the Federal courts." And they filibustered his nomination—seven times, in fact.

We have confirmed nearly all of President Obama's judicial nominees. As I said, we confirmed a judge to the DC Circuit unanimously just a few months ago. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14.

Let me say that again. This year we have confirmed 34 circuit and district court judges. At this time in President Bush's second term the Senate had confirmed only 14 of those nominees. In fact, we confirmed President Obama's nominees even during the Government shutdown.

In writing to then-Judiciary Committee Chairman Arlen Specter to oppose the nomination of Peter Keisler, Senate Democrats said:

Mr. Keisler should under no circumstances be considered—much less confirmed . . . before we first address the very need for the judgeship . . . and deal with the genuine judicial emergencies identified by the judicial conference.

That course of action ought to be followed here too. Senator GRASSLEY has legislation that will allow the President to fill seats on courts that actually need judges. The Senate should support that legislation, not transparent efforts to politicize a court that doesn't need judges in an effort to create a rubberstamp for the administration's agenda.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MELVIN WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees.

The assistant majority leader.

LETTER OF RESIGNATION

Mr. DURBIN. Mr. President, first, I ask unanimous consent that an official letter of resignation as mayor of Newark, NJ, from Senator-elect CORY BOOKER of New Jersey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWARK, NJ,
October 30, 2013.

ROBERT P. MARASCO,
City Clerk, City of Newark, Broad Street, Newark, NJ.

DEAR MR. MARASCO: Serving as the mayor of Newark, New Jersey has been one of the greatest honors of my life. Since taking office more than seven years ago, I've had the privilege to work closely with countless residents, municipal employees, elected officials, community leaders and others to move Newark forward. It was not easy, but together, we have brought incredible positive change to our city and set the stage for this momentum to continue in the coming years.

On Thursday, October 31, 2013 at noon, I will be sworn in as one of New Jersey's United States Senators. Therefore, effective Thursday, October 31, 2013 at 12:00 a.m., I am officially resigning as mayor of Newark.

While I am leaving one position, I am not leaving Newark. I am proud to be able to now represent Newark and our entire state as a United States Senator. My level of dedication, passion and service will not falter as I serve New Jersey. Our best days lie ahead, and together, we will continue to achieve great things.

The work goes on.

Sincerely,

CORY A. BOOKER,
Mayor.

Mr. DURBIN. Mr. President, I listened carefully to the statement that was just made by the Republican leader. It is a shame what is about to occur on the Senate floor if he has his way. The President has submitted the name of a nominee to serve on the DC Circuit Court. This is not just another court. Some view it as the second most important court in the land. Some of the most technical and challenging legal cases come before this court. The judges who serve there are called on not just to do routine things but to do extraordinary things on a regular basis. That is why the appointments to this court are so critically needed when

it comes to maintaining the integrity of our Federal judiciary.

What I heard from the Senate Republican leader was a statement that he would vote against the nomination of Patricia Ann Millett, President Obama's nominee for the vacancy on the court.

There are 11 judges authorized for this court. Currently, only eight are serving. There are three vacancies. Ms. Millett is being suggested for the ninth seat out of the 11 that are authorized. I am not going to go back into the history of our exchanges when it comes to the appointment of judges. I can make as compelling a case, if not more compelling, than that just made by the Senator from Kentucky.

At the end of the day those who are witnessing this will say it is another he said versus he said. What are these politicians up to? Who is right? Who is wrong? What I would suggest is, don't take my word for it and don't take the word of the Senator from Kentucky. Take the word of the Chief Justice of the Supreme Court of the United States.

On April 5 the Judicial Conference of the United States, led by Chief Justice John Roberts, made its Federal judgeship recommendations for this Congress. The Judicial Conference is not Republican or Democratic; it is non-partisan. According to its letter, its recommendations reflect the judgeship needs of the Federal judiciary. The Judicial Conference, which judges the caseload and workload in the Federal courts, did not reach the same conclusion as the Senator from Kentucky. They didn't tell us we need fewer judges on the DC Circuit Court—not at all. It is incumbent upon us to fill those vacancies, and that is where we should be today.

Let me add one additional note. What is especially troubling about what they are going to do to this fine woman is the fact that she is so extraordinarily well qualified. She may hold a record of having been an advocate and argued before the U.S. Supreme Court some 32 times. She has received the endorsement of both Democratic and Republican Solicitors General. Those are the lawyers who represent the United States of America before that Court across the street, and her nomination is strongly supported by prominent former Republican Solicitors General.

So the notion that the Senator from Kentucky suggests—that this is some partisan gambit—is completely destroyed by her letters of recommendation from Republicans as well as Democrats who have served as Solicitor General and have witnessed her fine work. This is about putting the right person in the job on one of the most important courts in the land, and sadly, unless the position of the minority leader of the Senate is not the position of all Republican Senators, she may suffer from this partisan approach to the appointment of this vacancy. What a sad outcome for a fine woman who has done so

well as a professional advocate before appellate courts, has been recommended on a bipartisan basis—the highest recommendations—and now, after languishing on the calendar, is going to be dismissed. She didn't fit into the political game plan. That is awful.

The men and women who step forward and submit their applications to become part of our Federal judiciary know they are going to be carefully scrutinized and criticized for some things in their past, but they do it anyway in the name of public service. What I hear from the Senator from Kentucky is that she doesn't fit into the political game plan on the other side of the aisle. I hope there are enough Republican Senators who will disagree with the Senator from Kentucky. We should give Patricia Ann Millett an opportunity to serve on the DC Circuit Court as quickly as possible.

I know there are others on the floor, and I want to make sure everyone has time to say what is on their mind today because there are important issues before us, but I do want to make one brief comment about another issue.

EXPIRATION OF STIMULUS FUNDS FOR SNAP

Mr. DURBIN. Mr. President, 2 days ago Kate Maehr of the Greater Chicago Food Depository came to visit me in my office. Kate is one of my favorite people. Kate runs this huge network of food distribution in the Chicagoland area. Her warehouses are huge, and they are filled with foodstuffs, much of which is donated by companies that produce food so that it can be distributed in food pantries and other sources all around the Chicagoland area. Kate is one of the best, and I look forward to her visits each year because I know the fine work she does to feed the hungry.

Two days ago she came into my office very sad.

She said: I don't know what we are going to do.

I said: What is the matter?

She said: This Friday the increase in food stamps, or SNAP benefits, for the poor people who live in the greater Chicagoland area is going to be cut. It may be only \$10 or \$15, but I know these people, I know many of them personally, and they live so close to the edge. It will call for some sacrifice on their part, and many of them will be hard-pressed to make that sacrifice, and I can't make up the difference. With all of the donations and all of the charitable contributions, I just can't make up the difference.

I thought about it for a minute. I thought, how would you approach a Member of the Senate or the House of Representatives and say: You know, this cutback of \$15 a month will really hurt. It is hard for us, in our positions in life, to really understand or identify with the plight and the struggle of those who are not certain where their next meal is coming from.

Most of those people have the benefit of the SNAP program, the food stamp

program. Well, who are these people? Who are these 48 million Americans who receive benefits from this program? Almost 1 million of them are veterans. Veterans who are not sure where their next meal is coming from get food stamps—SNAP benefits. Almost half of the 48 million are children. There are 22 million children and another 9 million who are elderly and disabled. When we talk about cuts in the SNAP program, we are talking about these people—the veterans, children, the elderly, and the disabled.

Right now there are two proposals before us. One proposal is from the Senate, and that cuts back spending on this program to the tune of \$4 billion over 10 years. I supported it because I think it closes the potential for abuse. I don't want to waste a penny of Federal taxpayers' money on any program in any way, shape, or form. Senator STABENOW, chairman of the Senate agriculture committee, made this change in the food stamp program that will save us \$4 billion and will not create hardship. In fact, it closes what may be a loophole.

Now comes the House of Representatives, and their view is much different. They want to cut some \$40 billion—10 times as much—over the next 10 years. When we take a look at the approach they are using for these cuts—10 times the amount cut by the Senate—we understand how they get their so-called savings. They take almost 4 million—3.8 million—people out of the program: children, single mothers, unemployed veterans, and Americans who get temporary help from the food stamp program. The House would cut \$19 billion and 1.7 million people from SNAP by eliminating the authority of Governors of both political parties to ask for waivers so that low-income childless adults under 50 can still receive benefits beyond the 3 months they do ordinarily. This says that Governors looking at their States with high unemployment understand that there are people in need.

It is hard for Members of Congress in the House or the Senate—it is hard for me too—to really appreciate the lifestyle of someone living from paycheck to paycheck, but that is a reality for millions of Americans. Many of the people who are receiving food stamps are working. That may come as a shock to people, but they are not making enough money to feed their families.

I went on a tour of a food warehouse in Champaign, IL, and had a number of people explain the importance of not only their work with food pantries but the importance of the food stamp program. I noticed one young woman who was part of the tour. I didn't quite understand why she was there. She was an attractive young mother who was dressed well. She explained that she had two children. I later learned why she was there. She is a food stamp recipient. She has a part-time job with the local school district—not a full-

time job—and her income is so low, she still qualifies for food stamps, SNAP benefits. She was there to thank me. She wanted to thank me not just for the food stamp program but because we changed the law a couple of years ago and allow mothers like her to take their kids to farmers markets and use their food stamps to buy fresh produce.

She said: It is almost like a trip to Disneyland for my kids. They have come to know the farmers, and they look forward to meeting them each week. The farmers give them an extra apple or tomato or this or that, and I just want to thank you. My kids are getting good food from farmers markets, and it helps us make ends meet.

This is a single working mom with two kids. Those are the types of people who are receiving food stamps and benefits. The notion that they are somehow lazy welfare queens—go out and meet them. Meet the woman at the Irving Park United Methodist Church food pantry I met who is trying to live in the city of Chicago on a Social Security check that pays her \$800 a month. I challenge any Member in the Senate or House to try to get by on \$800 a month in the city of Chicago. She makes it because she has two food pantries that give her 3 or 4 days of food each and she has food stamps.

I will conclude by saying that what we are talking about as far as food stamps is really a matter of basic hunger of children, veterans, elderly, and disabled who get this helping hand that makes a difference in their lives.

We are a great and caring nation. I am so proud to represent a great State in that Nation. We are a caring people, and caring people do not turn their backs on hungry kids or hungry elderly people. We better take care, when it comes to this food stamp program, that we don't make cuts that are going to make their lives more difficult.

Finally, Mr. President, I ask unanimous consent that all speakers on the Democratic side prior to noon be limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I don't know whether Senator BOXER was to be recognized.

Mrs. BOXER. Mr. President, I will take 5 minutes.

Mr. SESSIONS. Mr. President, I understand that Senator BOXER wants 5 minutes, and I will yield to the fine chairman of the Environment and Public Works Committee for 5 minutes.

I ask unanimous consent that Senators on the Republican side be allocated 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank the ranking member on the Budget Committee. I know he has a lot on his plate. He and I work well together, and I thank him.

Mr. President, I want to put on the RECORD my strong support for Con-

gressman MEL WATT to be Director of the Federal Housing Finance Agency. May I do that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. I hope we have a resounding vote for MEL WATT. He is a terrific person. He has the heart, intelligence, and the experience.

Mrs. BOXER. Mr. President, as critical decisions are being made about the future of the housing finance system, it is time that we place permanent leadership at the head of the Federal Housing Finance Agency, FHFA. Congressman MEL WATT has both the experience and the expertise to help create a system that ensures access to safe and affordable credit and other housing options for all Americans.

Congressman WATT brings with him over 40 years of experience in housing, real estate, and other financial services issues. From 1970 to 1992, he ran a law practice focusing on business, real estate, municipal bonds, and community development, learning the details of housing finance from the ground level. He was first elected to represent the 12th district of North Carolina in 1992 and has served over 20 years on the House Financial Services Committee. In addition, his work on the House Subcommittees on Capital Markets and Government Sponsored Enterprises, and on Financial Institutions and Consumer Credit has given him the necessary policy expertise to run the agency that oversees Fannie Mae and Freddie Mac.

Congressman WATT's experience and expertise made him one of the first policymakers to recognize how predatory underwriting practices were threatening the larger housing market and economy as a whole. Years before the foreclosure crisis began, Congressman WATT, along with Congressman Brad Miller, introduced the Prohibit Predatory Lending Act in 2004. They reintroduced it every Congress after that until it was adopted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. In March 2007, only 2 months after the Democrats became the majority party in Congress, Congressman WATT joined Chairman Barney Frank in introducing a bill to reform regulation of Fannie Mae and Freddie Mac. The bill passed both the House and the Senate with bipartisan support and now called the Housing and Economic Recovery Act, HERA, was signed into law by President Bush in July 2008.

Congressman WATT also brings with him the experience and balance in vision to represent all stakeholders fairly, and has broad support from both industry and consumer groups.

"The National Association of Realtors has long appreciated Representative WATT's proven ability and willingness to engage the industry, stakeholders, and consumers throughout his service in the House of Representatives. WATT has always aimed to craft

policy that is fair, garners wide consensus, and allows all parties to move forward, all of which are vital qualities for the Director of the FHFA."

The Mortgage Bankers of America said, "Congressman WATT would bring considerable experience to the post of Director [and] a strong base of understanding on a wide variety of public policy issues related to housing finance. . . . [W]e would urge the Senate to approve his nomination."

The Center for Responsible Lending said, "WATT brings to FHFA an ability to work with a variety of stakeholders, with many competing interests and perspectives. He has a track record of crafting practical solutions and alliances for a complex, dynamic marketplace. He is consistently thoughtful, fair, and respectful of all opinions, and his policies have been guided by a concern for all Americans."

The National Association of Home Builders said, "We applaud the nomination of Representative WATT to this important position. After four years in conservatorship, the future of Fannie Mae and Freddie Mac stands at a crossroad. Rep. WATT brings years of experience to this position at a pivotal moment as our nation's housing market recovers. NAHB looks forward to working closely with Rep. WATT to help address the many complex challenges facing the U.S. housing finance system upon his confirmation by the U.S. Senate."

The Center for American Progress said, "We believe that Mr. WATT has the vision, expertise, and experience necessary to provide strong leadership for FHFA. His personal background and professional experience have provided him with a deep commitment to affordable housing and sustainable credit, which not only support a robust housing market, but also provide shelter and opportunity for America's families and spur economic growth for the nation as a whole."

The United States Conference of Mayors said, "It is not surprising that Representative WATT has bipartisan support in the Senate. His record shows that he can work across the political aisle finding solutions to complex problems. Time and time again, mayors have been impressed with his thoughtful approach in developing solutions that are mindful of all stakeholders. As the nation's housing market climbs back as a major part of our economy, we need such a leader as Mel WATT at the head of FHFA."

Mr. President, I ask to speak as in morning business for the rest of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mrs. BOXER. Mr. President, I am so pleased to be on the floor with some very good news out of California and how ObamaCare, the Affordable Care Act, is working in our great State. People are phoning. People are going

online. People are talking with insurance agencies, with health insurance companies. They are getting health care coverage, some for the very first time, and for many for the first time it is affordable; all good policies—good policies that will be there when they are needed.

We know a small percentage of people, as the President addressed yesterday, are being told their old policies are not going to be offered to them anymore, but all of those folks know they can get better policies. They can't be turned away. There will be competition for their business. Many of them will get subsidies. So at the end of the day, this health care story, although quite bumpy, as we know the prescription drug launch was years ago—we know it is bumpy, and we are angry on both sides of the aisle that it is bumpy—but at the end of the day, I think it is going to be good.

I wish to read some of the comments made by people who have logged in to "Covered California," which is coveredCA.com. Here is one who just got an affordable health care policy:

Thank you so much, President Obama! And everyone who works there.

This was soooo much easier than I thought it would be! I am soooo grateful to get medical insurance! Thank you!

Another:

Great phone support, thank you. No wait time, the assistant answered all my questions clearly.

Another:

GREAT JOB! EASY! WHAT'S ALL THE FUSS ABOUT?

Another:

Wow. This was easy and my monthly premiums are significantly less than my previous employer's health care coverage before the Affordable Care Act.

One who I thought truly summed it up:

Thank God Almighty I'm free at last!

These are the real people. These are not people who have a political agenda. They are real people. They are Democrats. They are Republicans. They are Independent voters. They have had a hard time getting health insurance and, because of the Affordable Care Act, with all of its glitches on the national Web site—and we acknowledge them—it is working. It is working in our State, and eventually, once that national Web site is fixed, it will work for everybody.

I wish to put some real numbers on this: 180,000 Californians have begun the process of signing up for coverage—180,000 families. Imagine the relief they have. Over 2 million unique visitors have been to coveredCA.com. There have been 200,000 calls to coveredCA.com's call centers. The average wait time is under 4 minutes and the average total call time is less than 16 minutes for Californians enrolling in coverage and asking questions. We have 4,000 insurance agents and clinic workers trained so far and certified. They have their badges so they can

offer, in person, help to those who are looking to enroll.

Very recently I went to a clinic in my home county and I can tell my colleagues the excitement there is palpable. The doctors, the nurses, the assistants, the people in the waiting room, everybody knowing they can get either insurance on the exchange or insurance through an expanded Medi-Cal Program. We have millions of people who will be able to sign up on the exchanges. We have about 1.4 million people who could sign up for the expanded Medi-Cal Program.

Do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 seconds remaining.

Mrs. BOXER. Five seconds. I hope we get these two wonderful nominees on the way to confirmation today.

I hope we will be patient and that we will all work together to fix the problems with health care. I think, at the end of the day, it is going to be great.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share some thoughts about the filling of the District of Columbia Circuit Court of Appeals judgeships. I have been involved in that issue for well over a decade. We started looking at the case numbers when President Clinton was in office. I, along with Senator CHUCK GRASSLEY, both Republicans, blocked President Bush from filling a vacancy, because that court did not need another judge and they wanted to fill it. Let's be frank. Presidents want to fill the DC Circuit Court of Appeals because they think they can shift the balance there and be able to advance their agenda throughout the judicial process because a lot of key cases are filed there, and lobbyists and outside forces that care about judges want the Presidents to put their kind of people in those positions—maybe even their law partner or their friend or their political buddy on that court. But there are some great judges on the court. But I am Ranking Republican on the Budget Committee also. I serve on the Judiciary Committee and on the Budget Committee. We have no money in this country to fund a judgeship that is not needed.

The last time we were able to move one of those judges to the Ninth Circuit where the position was needed. Today, it is clear that the caseload for the DC Circuit continues to fall. The number of cases per judge in the DC Circuit continues to decline. Senator GRASSLEY has been a champion of this issue for years. He chaired the court subcommittee of the Judiciary Committee. I chaired it after he did. We have seen these numbers.

Senator DURBIN says, Oh, it is a shame. It is a shame these nominees don't get confirmed. As Senator MCCONNELL noted, it was a shame that Peter Keisler, a fabulous nominee, didn't get confirmed. But, in all hon-

esty, the court didn't need that slot filled and they don't need any of the three slots today that are vacant. They do not need to be filled. Congress has no responsibility to fill a vacancy that is not needed, and we shouldn't do it. Each one costs about \$1 million a year. That is what it costs to fill a judgeship.

We have needs around the country. We have certain needs around the country, and we are going to have to add judges. Why would we fill slots with judges we don't need and not fill slots with judges we do need? That is my fundamental view about it. I will just say this: It is not going to happen. We are not going to fill these slots. This country is in deep financial trouble.

The majority basically is saying: Oh, the Budget Control Act and, oh, we have cut to the bone. We can't find another dime in savings. Do you know what the problem is, America? You haven't sent us enough money. If you would just send more money to Washington, we could spread it around and everything would be fine.

This is basically what we are hearing from the leadership: No more cuts. In fact, the Budget Control Act reduced spending too much. Oh, this is critically important. Every dollar we spend is critically important and we can't reduce a dime of it or even the growth of it. That is what we have been hearing: Send more money to Washington. We want to raise taxes. We are open about demanding increases in taxes to fund whatever it is we want to spend.

Is there any waste and abuse in this government? There absolutely is. Look at this chart. Senator DURBIN is on the Judiciary Committee. He has been involved in this. He knows these numbers. There is nothing phony about what I am showing my colleagues today. This is absolute fact: Total appeals filed per active judge. These are the judges on the court today. The DC Circuit has eight judges. They have eight judges. The number of appeals filed per judge in their court is 149, and the average per circuit judge in America is 383. The average is 2½ times that number. We do not need to fill these slots.

Look at the Eleventh Circuit. They have vacancies, but at this point they are doing almost 800 cases per judge per year. Think about that. In the Second Circuit, which is Manhattan—a very important circuit with very complex cases—there are more than 2½ times the number of cases than the DC Circuit. Remember, this is the current number of judges, I say to my colleagues. This isn't if we were to add three more judges. If we added three more judges, it would be a little over 100 cases per judge, not 149. This is absolute fact. They take the entire summer off. No other circuit does this. They have canceled oral arguments they had scheduled because there were no cases to argue. They take the summer off.

I talked to one circuit judge in another circuit who said: At least one of

the judges in the DC Circuit goes around the country sometimes and helps out, but none of our judges can because we are so busy we don't have time to do it.

Most of our judges are working very hard. I am a total believer in the integrity and the value of the Federal judiciary. I respect them greatly. They do important work. But it has just so happened in the course of our American system that the DC Circuit is at a point where it has the lowest caseload per judge in decades, of any circuit and it needs to be fixed and the number of cases continues to decline.

So what I would say to my colleagues is I believe we should give deference to the President in the nomination of judges. I voted for, I am sure, close to 90 percent of the nominations the President has submitted. I voted for almost 90 percent, I would suggest. But I am not going to support three judges we don't need. The last thing we need to be doing is burning on the Mall of the United States of America \$3 million a year to fund judgeships we don't need. There are other places in this government we can cut wasteful spending as well, but this one highlights the situation.

I suggest to my colleagues this is a test to this Senate. This is a test for all of the Members of the Senate. If we say there is no place to save money in Washington; if we say we have found every bit of waste, fraud, and abuse there is—well, look at this court.

I am not condemning any of the nominees. I am not complaining about their quality or their ability. I am saying the taxpayers of America should not have extracted from them another \$3 million a year to fund three judges that absolutely are not needed, particularly when we have legitimate needs in other courts around the country that need more judges.

Look at the Eleventh Circuit, my circuit: Almost 800 cases per judge filed. This circuit, the DC Circuit, 149, and they want three more judges—not so.

I believe we have a 10-minute limit. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. SESSIONS. So, in conclusion, I appreciate the opportunity to be here. It looks as though we will vote on the Millett nomination maybe later today. With no personal criticism of that nominee in any way, I think it is important for us to say we just don't need these slots. We are not going to fill them. Not one of the three needs to be filled. We are not going to fill any of them. We are going to honor the finances of the American people.

Once again, I express my appreciation to Senator CHUCK GRASSLEY, the ranking member of the Judiciary Committee, who has led the fight on this issue for a number of years. I have worked with him on it. We have legislation to transfer these judgeships to other places. That is what we should be

doing, moving them to where they are needed. It has been great to work with Senator GRASSLEY.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about Congressman MEL WATT.

Mr. SESSIONS. Mr. President, if the Senator will yield for an inquiry, under the UC were we going to divide 30 minutes per side? Was that the intent of the unanimous consent request I made earlier?

The ACTING PRESIDENT pro tempore. The time until noon is equally divided in the usual form.

Mr. SESSIONS. In the usual form. All right.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about Congressman MEL WATT, who is a champion for middle class families in my home State of North Carolina. MEL WATT is the President's nominee to be the next Director of our Federal Housing Finance Agency.

Congressman WATT is a true North Carolinian. He was born in North Carolina. He attended the University of North Carolina at Chapel Hill, and he has spent much of his distinguished career working for the people of North Carolina.

Congressman WATT is an outstanding choice to lead the Federal Housing Finance Agency.

Over his 20 years on the House Financial Services and Judiciary Committees, Congressman WATT has been a steadfast advocate for affordable housing in North Carolina and across the country. He has worked tirelessly to protect families from predatory and deceptive lending practices.

He has been willing to work across the aisle to find common ground on issues that promote economic opportunity for the middle class.

Well before the housing crisis, Congressman WATT raised concerns that predatory lending practices were harming consumers and putting our housing market at risk. He was instrumental in enacting Dodd-Frank and in supporting its antipredatory lending provisions. He will be a tremendous asset to our housing market and economy moving forward.

In a letter to the Senate this week, 54 community and advocacy organizations called for Congressman WATT's confirmation, saying:

Representative WATT has the depth to grasp the problems that plague Fannie Mae and Freddie Mac, and has the skills to work with everyone involved to get the housing market back on track.

I agree. I was proud to join my North Carolina colleague Senator RICHARD BURR in introducing Congressman WATT at his confirmation hearing earlier this year, and I am pleased that the Banking Committee approved his nomination.

The bipartisan support for Congressman WATT from our delegation in North Carolina is representative of his longtime ability to work across the aisle.

During his distinguished tenure in Congress, Congressman WATT worked with Republican Judiciary Committee Chairman BOB GOODLATTE and Representative LAMAR SMITH to pass legislation that addressed Patent and Trademark Office backlogs. And he worked with Representative BLAINE LUETKEMEYER on legislation that ensured adequate transparency for ATM fees while eliminating excessive regulatory burdens.

Congressman WATT's long congressional career builds on more than two decades in the private sector as a small business owner and a legal expert.

With experience in the private sector and more than two decades of service on the House Financial Services Committee, Congressman WATT has the background, the skills, and the history of bipartisan cooperation necessary to confront the challenges facing our recovering housing market.

His nomination is supported by industry leaders such as the National Association of Realtors president Gary Thomas and the National Association of Home Builders chairman Rick Judson. He is supported by the Mortgage Bankers Association and the United States Conference of Mayors. And he is supported by Erskine Bowles, cochair of the National Commission on Fiscal Responsibility and Reform, and the former Bank of America chairman and CEO Hugh McColl.

In fact, I ask unanimous consent that these letters from the National Association of Realtors, the National Association of Home Builders, and Mr. McColl be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF REALTORS®,

Washington, DC, October 29, 2013.

DEAR SENATOR: On behalf of the one million members of the National Association of Realtors® (NAR), their affiliates, homebuyers, and homeowners, I strongly urge the United States Senate to expeditiously confirm Representative Mel Watt as the next Director of the Federal Housing Finance Agency (FHFA).

The National Association of Realtors® has long appreciated Representative Watt's proven ability and willingness to engage the industry, stakeholders, and consumers throughout his service in the U.S. House of Representatives. Watt has always aimed to craft policy that is fair, garners wide consensus, and allows all parties to move forward, all of which are vital qualities for the Director of the FHFA.

The extended conservatorship of the government-sponsored enterprises, Fannie Mae and Freddie Mac, is one of the most pressing issues facing the housing sector. This requires that the FHFA be led by a permanent Director, who looks for measured and comprehensive solutions that will protect both the housing market and taxpayers. Representative Watt has clearly demonstrated through his extended service and involvement with key housing issues before the

House Financial Services Committee that he has a keen understanding of the importance of housing finance to the nation's economy.

The FHFA Director plays a critical role in the future of our nation's housing finance system and must weigh the costs of action and inaction with the benefits of protecting the taxpayer and ensuring the continued recovery of housing. Representative Watt has the experience and skill necessary to work with Congress and the Administration to ensure that both costs and benefits are handled in a manner that benefits our nation. As our economy continues its slow recovery from the Great Recession, we must focus on sensible and commonsense policies that foster strong growth and stability. Representative Watt has the experience, knowledge, and ability to bring that much needed focus to the FHFA.

In short, we know that Representative Watt will not only be an asset to FHFA but also to the Congress and the Administration as we work together to restore strength to the housing and mortgage markets. The National Association of Realtors® urges confirmation of Representative Watt, and stands ready to work with FHFA and Congress to facilitate a strong housing and economic recovery.

Sincerely,

GARY THOMAS,
2013 President, National Association of
Realtors®.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, October 29, 2013.

Hon. HARRY REID, Majority Leader,
U.S. Senate,
Washington, DC,
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 140,000 members of the National Association of Home Builders (NAHB), I am pleased to offer NAHB's strong support for the nomination of Representative Mel Watt as the next Director of the Federal Housing Finance Agency (FHFA). I urge you to support his nomination when it is considered by the full Senate later this week.

Today's mortgage finance system is in a state of uncertainty. The ongoing conservatorship of the government sponsored enterprises (GSEs), Fannie Mae and Freddie Mac, continues to be one of the most challenging issues facing the housing industry today. With the path forward for comprehensive housing finance reform taking shape, and with that outcome still very uncertain, having a permanent FHFA Director will be critical to ensure the safety and soundness of the housing GSEs, as well as promote a stable and liquid residential mortgage financing system for our nation's housing market. NAHB believes that the confirmation of Representative Mel Watt will bring much-needed certainty to the U.S. housing finance system as we transition from the current state of conservatorship to a new and stronger system of housing finance.

Representative Watt will bring years of experience to this position at a pivotal moment in the recovery of our nation's housing market. During Representative Watt's tenure on the House Financial Services Committee, he has proven to be a thoughtful leader on housing policy. The FHFA needs a permanent director with his leadership capabilities.

NAHB looks forward to working closely with Representative Watt to help address the many complex challenges still facing the housing finance system and the recovery of the housing market. We hope that the Sen-

ate will move quickly to approve his nomination.

Best regards,

RICK JUDSON,
2013 NAHB Chairman of the Board.

Charlotte, NC, October 25, 2013.

To: The Editor

TIME TO ACT ON THE MEL WATT NOMINATION

Given the need to have more economic activity, it appears to me that the Senate should move now to confirm Congressman Mel Watt as Director of FHFA. There seems to be no reason not to approve Mr. Watt's nomination other than he has been nominated by the President.

I have known Mel Watt for 40-some odd years, both as a lawyer and as a US Congressman. I know him to be highly intelligent, a man of impeccable character, and a straight shooter. While Chairman of the Board of the Bank of America, I consulted with him on many occasions about banking legislation. We did not always agree with each other, but I always knew that I was getting an honest opinion and one that was well thought out.

Mr. Watt has been a real estate lawyer in one of the fastest growing cities in America—Charlotte, NC, and he is very much aware of the need for housing loans for people from all economic segments. Most of his more than 20 years in Congress were spent on the House Financial Services Committee.

It is worth reminding people that Congressman Watt has a business degree from the University of North Carolina at Chapel Hill, and a law degree from Yale University. Without question, he is well educated. No doubt he is smart, and there is no doubt that we need somebody like him in charge.

I hope Senator Burr and Senator Hagan from North Carolina will push for his confirmation. The Country needs him.

Sincerely,

HUGH L. MCCOLL, JR.

Mrs. HAGAN. Congressman WATT's strong record of working with industry leaders, consumer advocates, Democrats and Republicans proves that he can deliver results for middle class families across the country and in North Carolina.

We need Congressman WATT at the Federal Housing Finance Agency. I know he will work successfully with Congress to strengthen the backbone of our current housing finance system, and I urge my colleagues to join me in supporting his nomination later today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, just a parliamentary inquiry: I have 10 minutes allocated to me?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. TOOMEY. Thank you very much, Mr. President.

I rise to address the candidacy of Congressman MEL WATT to be Director of the Federal Housing Finance Agency as well.

Let me preface my comments by making it very clear. I know Congressman MEL WATT. He is a good man. I served with him in the House. We served on the Banking Committee together. I know for many years he has been and continues to be a passionate advocate for increasing taxpayer sub-

sidies for housing finance, and I have never once doubted his sincerity, his commitment, or his passion for working for his constituents and also for disadvantaged people generally. Having said that, while MEL WATT is certainly a good man, I think this is the wrong job for this good man, and I want to explain why.

I think it is useful to first consider the massive size of the institutions that the Federal Housing Finance Agency, the FHFA, regulates. Fannie Mae, Freddie Mac, the Federal Home Loan Banks combined are enormous.

Fannie and Freddie together hold 48 percent of all the outstanding mortgages in the United States of America. Last year, they guaranteed almost 80 percent of all the new mortgages that were issued. Combined, Fannie and Freddie have assets that are nearly \$5.2 trillion—this is much larger than the Federal Reserve—which have just made themselves into an enormous institution. Combined, Fannie and Freddie are more than twice as big as JPMorgan Chase, the biggest bank in America. In addition to being very large, they are enormously complex, and they are at the center—in fact, they are the housing finance market of the United States of America.

So they are enormously large, they are enormously complex. And the post we are talking about here—the directorship of the regulator—has virtually unchecked powers. The legislation that creates this post, that creates this agency and the head of this agency, empowers the Director enormously. Let me quote from the statute. The Director's powers include “all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director” of the entity. In plain English that means this person has the power of the entire board of directors, the CEO and all the management, and the regulatory agency that controls it all. There is no parallel in our country for an institution where so much power is concentrated in one person.

In addition, there is no congressional oversight. The FHFA does not depend on Congress for appropriations. It gets its money from fees from the entities it regulates. So Congress has no control, no authority, once a person is confirmed in this post, and they are confirmed for a 5-year term and can only be removed for cause. So it is unchecked power on an enormous scale.

Now, precisely because of the unchecked power over these enormously large, important, powerful, and complex institutions—precisely for that reason—the statute stipulates very clearly that the person holding this post has to be someone who is technically competent because of their own history, because they have been a practitioner in this field. The legislation demands that, and for good reason. Specifically, the law insists that the Director shall have a “demonstrated

understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance."

So we are not talking about being automatically qualified by virtue of being a Member of Congress. One needs to be a practitioner. I will give you one quick example of many why central to the management of the enormous complexity of these institutions is the use of complex derivatives, which manage the interest rate risk inherent in these portfolios. Fannie and Freddie are the world's biggest users of derivatives for this risk management purpose. Understanding how these work, the risks that are inherent in them, and how it affects the broader capital markets is absolutely essential. Yet in December 2011, MEL WATT said this. I quote Congressman WATT:

For all of the last term of Congress, I sat in the Financial Services Committee, and a lot of these arguments that I am hearing today are the same arguments that I heard about derivatives. Well, I didn't know a damn thing about derivatives. I am still not sure I do.

Derivatives are central to the management of these institutions.

There is another reason why this statute insists on an experienced practitioner and a technocrat rather than a politician, and that is because pursuing a political agenda at these institutions is enormously dangerous. Look at the damage that it did the last time. Congressman WATT was an advocate for all of the policies that helped to drive Fannie and Freddie into the conservatorship that cost taxpayers so much money. He supported lower capital standards, lower downpayments, lower underwriting standards, loan forgiveness. He was opposed to tougher regulations, even when it was becoming clear that these institutions were on a downward spiral and soon would need a massive bailout.

Unfortunately, Congressman WATT still supports these policies. And if he were confirmed as the Director, with all of these powers, he could unilaterally reinstitute these policies.

Now, fortunately, at the moment, we have a Director who understands that his obligation to the taxpayer precludes these misguided policies. I am deeply concerned that if confirmed, Congressman WATT would reverse that practice and reinstitute some of these very damaging and dangerous policies.

So for these reasons and, I would say, in respect and in honoring the clear language of the statute, we have an obligation to not confirm Congressman MEL WATT. While I know he is a very good man, I think he is the wrong person for this job. So I would urge my colleagues to vote no on cloture later today.

I yield the floor.

THE NOMINATION OF MEL WATTS

• Mr. INHOFE. Mr. President, while not many people know about the Federal Housing Finance Agency, it has

become one of the most powerful and important government agencies. Following the financial crisis and massive bailouts of Fannie Mae, Freddie Mac, and all the big banks, the Federal Government took a primary position in the mortgage market. Right now, 48 percent of all outstanding U.S. mortgages and 77 percent of those issued last year were guaranteed by the Federal Government. This is a problem in and of itself, but the FHFA is the agency that oversees all of them.

MEL WATTS is the guy President Obama has nominated to lead the agency. I know MEL from my time both in the House and the Senate, and I am deeply concerned that he will push the Federal Government further into the mortgage business, instead of moving us away from it. He has shown his colors during his time here in Washington, and he is not the right guy to lead the agency. I am opposed to his nomination and urge my colleagues to oppose him. •

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in opposition to any motion to invoke cloture on nominees to the DC Circuit. I am somewhat disappointed that the Senate majority wants to turn to a very controversial nomination next rather than to continue on a path of cooperative confirmations or other important Senate business. It seems to me that scheduling such a controversial vote in the closing weeks of this session of Congress is designed simply to heat up the partisanship of judicial nominations.

My opposition is based on a number of factors.

First, an objective review of the court's workload makes clear that the workload simply does not justify adding additional judges, particularly when additional judgeships cost approximately \$1 million—\$1 million—every year per judge.

Second, given that the caseload does not justify additional judges, you have to ask why the President would push so hard to fill these seats. It appears clear that the President wishes to add additional judges to this court in order to change judicial outcomes.

Third, the court is currently comprised of four active judges appointed by a Republican President and four active judges appointed by a Democratic President. There is no reason to upset the current makeup of the court, particularly when the reason for doing so appears to be ideologically driven.

I will start by providing my colleagues with a little bit of history regarding this particular seat on the DC Circuit.

It may come as a surprise to some, but this seat has been vacant for over 8 years. It became vacant in September 2005, when John Roberts was elevated to Chief Justice.

In June of 2006, President Bush nominated an eminently qualified individual for this seat, Peter Keisler. Mr.

Keisler was widely lauded as a consensus bipartisan nominee. His distinguished record of public service included service as Acting Attorney General. Despite his broad bipartisan support and qualifications, Mr. Keisler waited 918 days for a committee vote. The vote never happened.

When he was nominated, Democrats objected to even holding a hearing for the nominee based upon concerns about the workload of the DC Circuit.

First, I would like to remind my colleagues that in 2006 Democrats argued that the DC Circuit caseload was too light to justify confirming any additional judges to the bench. Since that time, do you know what happened. The caseload has continued to decrease.

In terms of raw numbers, the DC Circuit has the lowest number of total appeals filed annually among all the circuit courts of appeals. In 2005 that number was 1,379. Last year it was 1,193—a decrease of 13.5 percent.

There are a lot of different ways to look at these numbers, but perhaps the best numbers to examine are the workload per active judge. The caseload has decreased so much since 2005 that even with two fewer active judges, the filing levels per active judge are practically the same. In 2005, with 10 active judges, the court had 138 appeals filed per active judge. Today, with only 8 active judges, it has 149. This makes the DC Circuit caseload levels the lowest in the Nation and less than half the national average.

It has been suggested that there are other circuits, namely the Eighth and the Tenth, that have lighter caseloads than the DC Circuit. That is inaccurate. The DC Circuit has fewer cases filed and fewer cases terminated than either the Eighth or the Tenth Circuit.

Cases filed and cases terminated measure the amount of appeals coming into the court and being resolved. Some of my colleagues have been arguing that the Eighth and the Tenth Circuits are similar to the DC Circuit based upon the comparison of pending cases. But cases pending does not measure how many cases are being added and removed from the docket.

When looking at how many cases are added or filed per active judge, the DC Circuit is the lowest with 149. It is lower than the Eighth Circuit's 280 and the Tenth Circuit's 217. When looking at the number of cases being terminated by each court, the DC Circuit is once again the lowest at 149. Again, the Eighth Circuit and the Tenth Circuit courts are much higher at 269 and 218.

Let me mention one other important point about pending appeals and the statistics my colleagues use. Several of my colleagues said on the floor yesterday that in 2005 there were only 121 pending appeals per active judge. That number seemed a little odd to me, so we looked into it a bit further, what the situation was in 2005. In order to arrive at that number, my colleagues appear to be taking the total appeals for 12 months ending June 30, 2005, and dividing them by 11 active judges.

As it turns out, there were only 9 active judges for almost that entire 12-month period. Janice Rogers Brown was sworn in on June 10, 2005, and Judge Griffith was sworn in June 29, 2005. As a result, during that 12-month period there were 10 active judges for a total of only 19 days. There were 11 active judges on the DC Circuit for a grand total of 1 day.

A few months later in 2005, the court was back down to nine after Judge Roberts was elevated to the Supreme Court and Judge Edwards took senior status.

This is how hard pressed the other side is to refute what everyone knows to be true: The caseload of the DC Circuit is lower now than it was back in 2005. In order to have a statistic that supports their judgment, the other side is claiming there were 11 active judges for that 12-month period, while that claim was true for only a total of 1 day.

The bottom line is this: The objective data clearly indicates the DC Circuit caseload is very low and that the court does not need additional active judges. That is especially true if you use the standard Senate Democrats established when they blocked Mr. Keisler.

In addition to the raw numbers, in order to get a firsthand account, several months ago I invited the current judges of that court to provide a candid assessment of their caseload. What they said should not surprise anyone who has looked at this closely. The judges themselves confirmed that the workload on the DC Circuit is exceptionally low, stating, "The court does not need additional judges." And, "If any more judges were added now, there wouldn't be enough work to go around."

Those are powerful statements from the sitting judges in that circuit. Given these concerns, it is difficult to see why we would be moving forward with additional nominations, especially in a time when we are operating under budget constraints. Unfortunately, the justification for moving forward with additional DC Circuit nominees appears to be a desire and an intent to stack the court in order to determine the outcome of cases this court hears.

It is clear the President wants to fill this court with ideological allies for the purposes of reversing certain policy outcomes. This is not just my view. It has been overtly stated as an objective of this administration.

I would quote along this line a Washington Post article, "Giving liberals a greater say on the D.C. Circuit is important for Obama as he looks for ways to circumvent the Republican-led House and a polarized Senate on a number of policy fronts through executive order and other administrative procedures."

We have a President who says: If Congress will not, I will. How do you stop that? The courts are the check on that. Even a member of the Democratic leadership admitted on the Senate floor that the reason they need to fill

these seats was because, as he saw it, the DC Circuit was "wreaking havoc with the country."

This is perplexing, given the current makeup of the court. Currently, there are four Republican-appointed judges, and, with the most recent confirmation, there are now four Democratic-appointed judges. Apparently some on the other side want to make sure they get a favorable outcome of this court.

I have concerns regarding filling seats on this court which clearly has a very low caseload. I have greater concerns about this President's agenda to stack the court and to upset the current makeup simply in order to obtain favorable judicial outcomes because: If Congress will not, I will.

Given the overwhelming lack of a need to fill these seats based upon caseload and especially considering the cost to the taxpayers of over \$1 million per judge per year, I cannot support this nomination and urge my colleagues to reject it as well.

I yield the floor.

Mr. HATCH. Mr. President, since I was first elected, the Senate has considered more than 1700 nominations to Article III federal courts. In nearly every case, the focus was on the individual nominee and whether he or she was qualified for judicial service. The nominee before us today is one of the rare exceptions. The focus here is on the court to which she and two others have been nominated, the US Court of Appeals for the DC Circuit. I cannot support any of these nominees because no one, no matter who they are and no matter what their qualifications, should be appointed to this court at this time.

It would be difficult to make a more compelling case that the DC Circuit needs no more judges. The Administrative Office of the U.S. Courts is the keeper of the caseload facts and ranks the DC Circuit last among all circuits in appeals filed and appeals terminated per judicial panel. In fact, the AO ranks the DC Circuit last even in the catch-all category of "other caseload per judgeship." And Chief DC Circuit Judge Merrick Garland recently confirmed that the number of DC Circuit cases scheduled for oral argument has declined by almost 20 percent in the last decade.

Here is another way to look at this issue. In July 2006, Democrats on the Judiciary Committee signed a letter to then-Chairman Arlen Specter opposing more DC Circuit appointments for two reasons. First, they used specific caseload benchmarks to conclude that the court's caseload had declined. Second, they said that filling vacancies labeled judicial emergencies by the Judicial Conference was more important.

I am not aware that my Democratic colleagues on the Judiciary Committee have said either that they used the wrong standard in 2006 or that their 2006 standard should not be used today. I do not want to accuse anyone of using different standards for nominees of dif-

ferent political parties, so it is fair to apply the same standard that Democrats used to oppose Republican DC Circuit nominees.

Democrats opposed more DC Circuit nominees because total appeals filed had declined. According to the AO's most recent data, total appeals filed have declined 18 percent further since 2006. Democrats opposed more DC Circuit nominees because written decisions per active judge had declined. The AO's data show that written decisions per active judge have declined 27 percent further since 2006. Democrats opposed more DC Circuit nominees because there were nominees to only 60 percent of the 20 existing judicial emergency vacancies. Today, the Senate has pending nominees to only 49 percent of the 37 current judicial emergency vacancies. These are the facts. New appeals filed and written decisions per active judge in the DC Circuit are both 76 percent below the national average and 50 to 60 percent below the next busiest circuit.

I hope that my colleagues get the point. No matter how you slice it or dice it, the DC Circuit has the lowest caseload of any circuit in the country and its caseload continues to decline. The very same standards that Democrats used to oppose Republican nominees to the DC Circuit in 2006 show conclusively that the court needs no more judges today. As I said, none of my Democratic colleagues—and 4 who signed that 2006 letter are on the Judiciary Committee today—have said they were wrong in 2006 or attempted to explain why their 2006 standard is inappropriate today.

The Senate evaluates the vast majority of judicial nominees on their own merits. These current DC Circuit nominees are the rare exception because they have been chosen for a court that needs no more judges at all. The better course would be to enact S. 699, the Court Efficiency Act, which would move two of these unnecessary DC Circuit seats to circuits that need them.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRATULATING THE BOSTON RED SOX

Ms. WARREN. Mr. President, before I start, I want to recognize the Boston Red Sox team for an outstanding historic season and to congratulate Red Sox Nation on their third World Series Championship in 10 years. Go Sox.

The Red Sox mean so much to the Commonwealth of Massachusetts and to our communities throughout New England, particularly this year. They have been a symbol of Boston's strength and resilience. From their historic one-season turnaround to their

win in front of the Fenway faithful for the first time since 1918, to their scruffy beards, this team will be remembered forever for its heart and for its success. Like all of us in Massachusetts, they have shown what it means to be Boston strong.

I also want to congratulate the St. Louis Cardinals on their 97-win season and their extraordinary achievement for winning 4 pennants in 10 years. Really amazing.

I am honored every day to represent the people of Massachusetts and the values we stand for. I am especially proud to congratulate the Red Sox today.

Mr. President, I rise today to speak in support of Congressman MEL WATT's nomination to serve as the Director of the Federal Housing Finance Agency.

In many areas of Massachusetts and around the country, housing markets have recovered, but in too many other areas the housing market is plagued by underwater mortgages and foreclosures. A wounded housing market continues to drag down our economy and it leaves millions of families struggling to rebuild economic security.

One of the people who can make an important difference in helping the housing market back to full health is the Director of FHFA. The FHFA oversees Fannie Mae and Freddie Mac. Between them, Fannie Mae and Freddie Mac back the vast majority of mortgages in the country, which means right now the FHFA has enormous influence over the American housing market.

The FHFA has the tools to help homeowners who continue to struggle following the 2008 financial crisis. It has the tools to help accelerate our economic recovery. For 4 years now, the FHFA has been led by an acting director. The time has come for some permanence and for some certainty. It is time for the FHFA to have a director, and Congressman MEL WATT is the right man for the job.

He has decades of relevant experience. He spent 22 years as a practicing lawyer, working with middle-income and lower income families on real estate closings and other housing issues. He then spent the next 21 years in Congress as a member of the House Financial Services Committee where he dealt firsthand with housing finance as a policymaker.

When it comes to housing, Congressman WATT has seen it all. Congressman WATT has shown good judgment throughout it all. Several years before the housing market collapse in 2008, Congressman WATT introduced the Prohibit Predatory Lending Act in an effort to stop mortgage lenders from taking advantage of homebuyers. The act would have helped Congress address the underlying cause of the financial crisis by making it harder for lenders to push families toward mortgages they could not repay and too often did not understand.

After that crisis hit, MEL built on his earlier legislation to craft laws that re-

duced risky mortgage lending and gave homeowners additional protection. Congressman WATT has worked hard to level the playing field for consumers. But he is no ideologue. I have worked with him for many years now. I have seen firsthand that he is a thoughtful policymaker. He can see problems coming, and when he does he seeks common ground and works hard to develop real solutions.

As Congress looks at ways to fix Freddie and Fannie to steady the housing market, Congressman WATT's practical approach is exactly what FHFA needs. The people who know him best, the Senators from his home State of North Carolina, the business leaders in his congressional district in Charlotte, support his nomination without reservation.

So what I want to know is this: Why would anyone in Congress try to block MEL from receiving a simple up-or-down vote? Why would they not want strong leadership in an agency that has been thrust into such a critical role in the economy? It does not make sense, not to the people who know MEL and not to the people who want to put this economy back on track.

MEL's work will help restore the housing market, help lift the economy, and most of all, help strengthen America's families.

It is time for obstruction for obstruction's sake to end, and it is time for the Senate to move forward with an up-or-down vote to confirm Congressman WATT so that he can get to work at the FHFA serving the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF PATRICIA ANN MILLETT TO THE DC CIRCUIT COURT OF APPEALS

Mrs. FEINSTEIN. Mr. President, I rise to say a few words about the appointment of Patricia Millett to the DC Circuit. The DC Circuit is an 11-member appellate court that hears some of the greatest and most serious administrative appeals in this country. Most of them are complicated, somewhat convoluted, and they do take serious expertise.

The court is an 11-member court. It currently has eight members. Three of the eight are women, and there are three vacancies on the court. Patricia Millett has been nominated by the President to fill one of those vacancies. What is interesting about this debate is that no one questions her qualifications or her temperament. She graduated *summa cum laude* from the University of Illinois in 1985 and *magna cum laude* from Harvard Law School in 1988. Even Senator CRUZ from Texas

has pointed out how superbly qualified she is. Yet there is a good chance that there will not be the votes to allow us to proceed to a vote on her qualifications and therefore confirm the nomination.

I wish to state some of her qualifications. She clerked for Judge Thomas Tang on the Ninth Circuit in Phoenix, AZ, for 2 years. She worked in the Solicitor General's office for 11 years, in the Justice Department's civil Appellate Section for 4 years. She leads the Supreme Court and appellate practice at the law firm Akin Gump. She has argued 32 cases in the Supreme Court, placing her in the top 10 of all attorneys from 2000 to 2012. She has also argued dozens of cases in other appellate courts.

She is known as a superb appellate lawyer. She is known as someone with sterling qualifications, and she has received the unanimous rating of "well qualified" from the ABA—the highest rating the ABA gives. She has received numerous awards from the Department of Justice and strong support across the aisle, including from all three Solicitors General who served in the Bush administration. She is not only an outstanding lawyer, she is also an exceptional person with a work ethic, a morality, and a history of faithful service that is truly admirable.

She is the mother of two children, David and Elizabeth. She earned a black belt in Tae Kwon Do after taking classes with her husband and their children. I am not sure how important that is, but I assume she is physically very fit.

She is a military spouse. Her husband Bob served in the Navy and the Navy Reserve until his retirement in 2012, and he was deployed to Kuwait in 2004.

Anyone who has read the Bars and Stripes article on her cannot but look at this woman and say she is the model American woman. Yet we may not even be able to vote on her today.

During that time, Patricia was also one of so many military spouses who shouldered the burden of parenting while her husband was overseas. She understands the sacrifices military families make to keep our country safe. "Pattie did the job of two parents while Bob was away. . . . During Bob's nine-month deployment [to Kuwait], Pattie was still working at the Solicitor General's office and handling a heavy Supreme Court caseload," which is very special if one thinks about what it means. "She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties." According to this article, Tom Goldstein, a distinguished appellate practitioner and the founder of the popular *scotus* Web site, said "Through it all, he never saw Pattie complain about these sacrifices for her country."

She has also made a long-time commitment to work on behalf of the homeless. The Bars and Stripes article says:

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters and individuals that Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries . . . to make sure the shelters have fresh produce.

Judge Thomas Ambro of the Third Circuit Court of Appeals said it best:

Pattie is a really good human being. And, as everyone knows, she's in the first rank of appellate practitioners in this country. She combines talent, hard work, judgment, and focus; she's the complete package.

The question is, Why is there opposition to this nomination? Some on the Republican side have said the DC Circuit, which today has eight judges and three vacancies, doesn't need any new judges. They said President Obama is trying to pack the court. I disagree. Only 7 or 8 years ago my Republican colleagues were arguing to confirm President Bush's nominees to fill vacancies on the 9th seat, the 10th seat, and the 11th seat on the DC Circuit. They even threatened to invoke the nuclear option to fill these seats. The caseload isn't much different than it was then. In fact, it is greater in some measures today. The number of pending appeals per active judge on the DC Circuit is greater than the number when all four of President Bush's DC Circuit nominees were confirmed. In addition, while the raw filings per active judge are lower on the DC Circuit than some other circuits, there is good reason for that. The DC Circuit's caseload is different because of the substantial docket of complex administrative agency appeals.

In fact, statistics published by the Judicial Conference of the United States show that—without counting immigration appeals—43 percent of DC Circuit cases were administrative appeals. The average in all other circuits combined is only 1.7 percent. That is a huge difference.

If you look at the published opinions from the first six months of this year, the DC Circuit's published cases took just as long—and in many cases longer—than did the published decisions of many other circuits. The median time from filing to disposition is 11.8 months—28 percent above average among the circuits.

And, many of those DC Circuit cases involved highly complex administrative appeals with important questions of Federal law and regulation.

Chief Justice Roberts wrote about this in a 2006 law review article called *What Makes the DC Circuit Different?* He cited the Court's jurisdiction to review decisions of numerous important agencies, such as the FCC, the EPA, the NLRB, the FTC, and the FAA. And he wrote: "Whatever combination of letters you can put together, it is likely that jurisdiction to review that agency's decision is vested in the Circuit."

And, as former DC Circuit Judge Patricia Wald wrote in the *Washington Post*, "These cases can require thousands of hours of preparation by the

judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions."

So, the caseload does support the confirmation of new judges to the DC Circuit.

I would also like to take a moment to address this notion of "court packing," a term that originated with a plan by President Franklin Roosevelt to authorize new seats on the Supreme Court when he was not getting decisions he favored.

This is not about creating new seats. This is about filling seats that exist, seats that have been authorized by Congress for many years, seats that the Judicial Conference continues to recommend be filled, and seats that my Republican colleagues pushed to fill not so many years ago. This is not "court packing."

Now, I remember how the DC Circuit looked after President Bush's last appointee was confirmed in 2006. The Court had seven Republican appointees and three Democratic appointees. Other circuits were similarly lopsided as well. Some might see that as packing the courts.

But I do not see it that way. A President must do his or her job making nominations to ensure that the judicial business of the American people gets done over time, long after that President leaves office. That is how our system works.

I supported two of President Bush's DC Circuit nominees, John Roberts and Thomas Griffith, and I supported cloture on a third, Brett Kavanaugh. I supported other controversial Bush circuit court nominees, sometimes to the chagrin of many on my own side. I did so because I believed those nominees were qualified and could be fair. I believe very deeply that the judiciary is too important to play partisan games with. That is exactly what is going on. Why should I continue, as a member of the Judiciary Committee with the second most seniority, when the administration changes, to step out and support any new Republican's nominees? I have done it in the past. I hoped to break this deadlock of partisanship. I had hoped we could vote when a nominee is qualified regardless of party. This nominee, if a motion to close off debate is not granted, shows me that the atmosphere is such that this can never be the case and that I, as someone on the Judiciary Committee who has been willing to cross party lines to vote for a qualified nominee, should cease and desist in this regard. That is the message of this nominee to me.

Think of this woman and her history: Army wife, mother of two, appellate lawyer, Solicitor General's office, and the tenth greatest number of Supreme Court appearances in the last 12 years. She is going to be denied, and no one has cast any blemish on her academic

ability or her moral ethic. So the only thing I am left with is intense partisanship.

Please, let there be some Republicans who want to change the nature of this place and begin that change with the recognition that we have a superior woman. In a country where the majority of people are women, the number of women on this court is in the minority, and there is a need for bright, informed, legal talent. This woman is one of them. I hope she will survive cloture.

I ask unanimous consent that the article from *Bars and Stripes* be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Bars and Stripes*, Oct. 21, 2013]

FAITH & FAMILY: THE CENTER OF A MILITARY SPOUSE DC CIRCUIT NOMINEE

(By Reda Hicks)

Patricia Millett (Pattie to her friends) is the complete package. From the beginning of her career, Pattie had all the markings of a legal rock star. Top of her classes at University of Illinois at Urbana-Champaign and Harvard Law School. Prestigious clerkship for the Ninth Circuit Court of Appeals. Appellate staff of the Department of Justice Civil Division. Assistant to the Solicitor General, serving equal time under Presidents Bush and Clinton. Head of Akin Gump's Supreme Court practice. More than 30 cases argued before the Supreme Court. Sky-high stack of professional accolades. "Unanimously Well Qualified" ABA Rating. Seven Solicitors General support her nomination to the D.C. Circuit.

But somewhere in that rocket-propelled career, Pattie fell in love with a Sailor. And became a mom. And earned a black belt. All while living a genuine, intentional, faith-based life of success. And these qualities and experiences, even more than her legal fame, are what make her the complete package.

Her long-time friend and fellow appellate attorney Tom Goldstein knows that all too well: "Pattie is an outstanding talent, an incredibly hard worker, and the best legal writer I have ever had the good fortune to work with. But her success comes from a complete commitment to a core set of values, to family, God, and country that really drive all of her decisions."

Pattie met Bob King in 1995, in Washington, D.C., while he was serving at the Pentagon in the U.S. Navy. They met at a Washington Street United Methodist Church singles event Bob reluctantly attended at the urging of his roommate. Bob knew right away that Pattie was the one; he felt like they had been together forever because their core values were so in step from the very beginning. Bob and Pattie were married a year later in June 1996, in the same church where they had first met.

Three years later, when it looked like Bob's next assignment would send him far from Pattie, they made the decision that Bob would transition to the Navy Reserves, where he served until his retirement in 2012. Commitment to family is a top priority for Bob and Pattie, who work together to make their children David and Elizabeth the center of their lives.

Like so many other military spouses, Pattie did the job of two parents while Bob was away on reserve duty, and eventually in 2004 he was called on to deploy. "It was really hard for her, working sixty hour weeks and keeping our family together in my absence

with a three-year-old and six-year-old to handle at home," he says. "But she did an amazing job!"

During Bob's nine-month deployment, Pattie was still working at the Solicitor General's office and handled a heavy Supreme Court caseload. She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties. Tom Goldstein says through it all, he never saw Pattie complain about these sacrifices for her country.

"She was proud of Bob's service, and was completely committed to her family as her first priority," Pattie might have made it look easy, but her associate Hyland Hunt knows differently. Hyland, also a military spouse, has been working with Pattie at Akin Gump for two years.

"Pattie has been a tremendous encouragement to me," says Hyland. "Other things pulling at us can sometimes make it very hard to focus on work, but watching Pattie helps me know that it can be done." But it doesn't just happen. "If Pattie has taught me anything, it's that you have to live intentionally in each part of your life."

Pattie served as a mentor for Hyland on the law, but has also been a sounding board as she navigates the difficult choices military spouses have to make when balancing career and a spouse's military service. Helping others is a practice familiar to those who know her, as Pattie is held in high esteem as much for being a good person as for being a good lawyer.

"Pattie is a really good human being," says Judge Thomas Ambro of the Third Circuit Court of Appeals. "And, as everyone knows, she's in the first rank of appellate practitioners in this country." Judge Ambro met Pattie in 2000, when a friend suggested she would make a good addition to an appellate panel he was working on. The success of the first panel led to many more, and Pattie now speaks to Judge Ambro's Georgetown undergraduates each year about how to manage all of the things tugging at their time and balance. It's a message that really resonates with them.

"[She] combines talent, hard work, judgment, and focus; she's the complete package," Judge Ambro notes. "And she does it all without being nasty."

"The thing that amazes me, knowing how much stress she is under, is that she is incredibly kind and unfailingly humble and gracious," says associate Hyland Hunt. "You never hear her snap at opposing counsel. She keeps an equanimity that is remarkable."

For Pattie, this kindness goes hand in hand with her and Bob's core principles. From that first fateful day when Bob and Pattie met at Washington Street United Methodist, they have been committed to putting service and faith at the center of their family.

"We firmly believe that we are here to serve," Bob says, "and we are very intentional about teaching that to our children." Today, the whole family is involved in various ministries. David worked on the Highland Support Project in Guatemala, bringing running water to remote areas. Elizabeth's service started when she raised \$1,800 selling lemonade to raise money for children living in a garbage dump in Cambodia. And both kids have been on mission trips to West Virginia, where they worked with the Jeremiah Project to help repair and rebuild low-income housing. Next summer, says Bob, they are very excited to be going on a mission trip together for the first time, working with the White Mountain Apache Tribe in Ft. Apache, Arizona.

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters for families and individuals that

Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries, organizing volunteers for pick-ups and drop-offs to make sure the shelters have fresh produce to serve. Hyland Hunt says Pattie's family has a well-known tradition of serving dinners together at one of the homes, called Hypothermia Shelter.

Pattie, Bob, and the kids love to do things together. In fact, Bob says spending time, all four of them together, is Pattie's favorite thing to do. That's why, many years ago when their daughter joined her older brother in taekwondo lessons, Bob and Pattie decided to start taking lessons, too.

"We wanted something to do together that was active," says Bob. "It is a fun family activity, but it also teaches each of us basic self-defense skills, which are very important." Now, all four of them are black belts; in fact, Pattie is a second degree black belt, surpassing her husband and nearly catching up to her son David's third degree belt.

Pattie's colleagues say unequivocally that her passion for the law takes a backseat to her husband and their two children. Maintaining balance between family and a demanding legal field is probably also one of her greatest career challenges. But she has a champion in her biggest fan, her husband.

"Seventeen years is no short amount of time, but I have loved every minute with her," he says. "She still amazes me with how she can juggle everything and keep her sanity."

From her very first Supreme Court argument, Bob wanted to be in the gallery cheering Pattie on. But Pattie refused. "I don't want you to see me crash and burn!" she would say, although Bob knew that she certainly would not.

It took Bob five years to convince Pattie to let him come watch her argue, and when she finally agreed, Bob was blown away. Now, Bob goes to watch her every chance he gets. "I've seen four or five arguments now, and I'm just amazed every time because you have to be so fast on your feet! I could never do that. She's one of the best! I know I'm not objective on that, but it's true!"

Watching Pattie before the Supreme Court, Bob says it is clear she has earned the respect of the Justices. "They know what they will get when Pattie comes before them, because she is always prepared." That might be an understatement.

Before an argument, Pattie spends weeks studying the record, going through moot court arguments until she knows her case inside and out. Tom Goldstein calls Pattie a "ferocious preparer, committed to leaving no stone unturned, and thinking of every possible nuance and counter argument to the counter argument." Says Hyland Hunt, "It always amazes me how she can digest and know the record," but Pattie's is the kind of knowledge that comes from plain and simple diligence.

Pattie's hard work, focus, and tenacity have made her a great advocate. Her kindness, wisdom and graciousness have made her a highly respected professional. But her strong center, built on family, faith, and service make her the complete package.

Military spouses forging their own careers can learn a lot from Pattie's example. Whatever our professional pursuits, true success starts at the core; build a strong one, then hold on to it tightly.

Mrs. FEINSTEIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I will be opposing closure on the nominations of Melvin Watt to be the Director of the Federal Housing Finance Agency and Patricia

Millett to be a U.S. circuit court judge for the District of Columbia Circuit. I do so because I believe that neither candidate should be affirmed by the Senate at this time.

I have been privileged many times to be a part of groups of Senators who were able to come together and negotiate agreements to end the gridlock surrounding nominees, avert the nuclear option, and allow the Senate to move forward with our work on behalf of the American people. My work in these groups—often referred to as "gangs"—has won me both praise and condemnation and has often put me at odds with my party.

In 2005 when the Republicans were in the majority and we were about to exercise a nuclear option on President Bush's judicial nominees who were being filibustered by the other side that was in the minority, part of the agreement addressed future nominees, an agreement which has held all these years. I quote from the agreement:

Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

As to both of the nominees we are considering today, I find and it is my judgment as a Senator that extraordinary conditions exist. The agreements I have entered into, including to begin on the motion to proceed, including last July on the NLRB nominations, have all included preserving the right of individual Senators to exercise their rights.

If we go to the nuclear option—which I understand some of my colleagues are now frustrated to the point where they would like to—meaning that 51 votes will now determine either nominees or other rules of the Senate, we will destroy the very fabric of the Senate; that is, that it requires a larger than numerical majority in order to govern.

I understand the frustration of my colleagues on the other side of the aisle. It is interesting that well over half of my colleagues in the Senate have been here less than 6 or 7 years. The majority of my friends on the other side have not been in the minority. The majority of my colleagues on this side have not been in the majority. I have been in both. When this side was in the majority, I watched how out of frustration we wanted to curtail the 60-vote criteria and go to 51 because we were frustrated over the appointment of judges. That was back in 2005. I watched my colleagues on the other side want to go to 51 votes because of their frustration over the motion to proceed. I have watched and understand the frustration the majority feels because they feel it is their obligation to make this body function efficiently.

The truth is, this body does not function efficiently nor was it particularly designed to. Is there more gridlock

than there used to be? In many respects, yes. And I believe with all my heart that what we just did to the American people in the shutdown of the government may motivate colleagues of mine on this side as well as the other side not to do this kind of thing again. Our approval rating with the American people has sunk to all-time lows and they are going to see another expression of gridlock when we take these votes today. But the cure is going to have repercussions for generations to come in this body.

There is no reason to have a House and Senate if we go to a simple 51-vote rule in this body. My colleagues should understand that someday—someday—this side of the aisle will be in the majority and this side of the aisle will feel frustration, as we did once before when we were in the majority because of blockage from the other side of the aisle.

I urge patience on the part of the majority leader. I urge patience on the part of my colleagues on the other side of the aisle. Most of all I urge the kind of comity between leadership on both sides and individuals on both sides.

I see the Senator from Virginia is here, and he has been one who has worked very hard to engender that in this body. Can't we work some of these things out without having a showdown on this floor every single time?

This dispute won't affect the American people. What we just did in the shutdown certainly injured the lives and well-being of millions of innocent Americans. Maybe we have learned from that, but I urge my colleagues to understand the votes being taken on these two issues are in keeping with the agreement I joined in with 13 of my colleagues, Republican and Democrat, back in 2005. That agreement stated that "signatories"—those who made the agreement—"will exercise their responsibilities under the advice and consent clause of the United States Constitution in good faith."

In good faith. I am acting, with my vote, in good faith.

I see my friend the majority leader on the floor of the Senate, and I hope he understands this action is being taken in good faith. But I also understand the frustration my friend the majority leader feels. So I urge my colleagues, when we get through this, to sit down, have some more conversations and negotiations so we can avoid this kind of cliff experience which has earned us the strong, profound, and well-justified disapproval of the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, very briefly, I want to respond to my friend from Arizona.

I have worked with the senior Senator from Arizona on many things over these many years we have been in Congress together, and I heard what he said. I appreciate his suggesting we

have a conversation about what is going to happen in the next couple of days and I am always willing to do that.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I also to want speak to the judicial nomination, but I want to first respond as well to the Senator from Arizona. Let me first of all say there are few people in this body I have more respect for, and there are few people in this body who have time and again shown the political courage he has to put country ahead of party. I share a lot of his views. It is odd, but I feel sometimes that I work in the only place in America where being a gang member is considered a good thing.

I have not served here during these times when my party was in the minority, and intellectually I understand Senator MCCAIN's point, but I guess what I can't understand and what I can't explain to the folks all across Virginia when they ask me: Why can't you guys get anything done, is that on any historical basis, looking at the number of times these procedures have been used in the past—and clearly they have been used by both parties—it seems at some point, while the rights of the minority need to be protected, there has to be some level of common agreement for not exercising these tools to the extent they have been so that this institution becomes so dysfunctional we allow ourselves to do something that in my tenure both in public and private life was never as stupid as what we did during the first 3 weeks of October.

So I do appreciate the Senator's comments. And although I now want to speak to the extraordinary qualifications of Patricia Millett, someone from Virginia, I wanted to state that I believe in the Senator's good faith and I also hope we can avoid the kind of further breakdown that would further disappoint the American people. I thank him for his comments.

I do want to take a couple of moments to talk about something other Senators have come out to speak on, and that is the nomination the President has made of a fellow Virginian, Patricia Millett, to be part of the U.S. Court of Appeals for the DC Circuit.

I have had the opportunity as Governor to appoint people to the bench, and I took that responsibility very seriously in terms of reviewing the qualifications of the candidates. I had the opportunity as a Senator to recommend individuals to the courts for the President's consideration, and I can't think of a candidate who brings more qualifications, more evidence of bipartisan support, more deserving of appointment, than Patricia Millett.

We all know the DC Circuit plays an incredibly important role in our judicial system. We also know the court currently has 3 of its 11 seats vacant. I recognize that in the past this court has been the focus of some debate and

discussion, but the idea that we are going to somehow change the rules midstream seems inappropriate. If there is a legislative reason why we should change the DC Circuit Court from 11 to some fewer number of judges, that ought to be fully debated, but we should not hold up the confirmation of an individual whose credentials I believe are impeccable.

Ms. Millett currently chairs the Supreme Court practice at Akin Gump. She went to the University of Illinois and Harvard Law School. She clerked on the U.S. Court of Appeals for the Ninth Circuit, and she worked on the appellate staff of the civil division of the U.S. Department of Justice.

She has spent over a decade in the U.S. Solicitor General's office, serving both Democratic and Republican administrations. During her time there she was awarded the Attorney General's Distinguished Service Award, and as has been mentioned by my other colleagues, during her career she has argued 32 times before the Supreme Court, which until recently was the highest number of cases argued by any woman in our history.

What is also remarkable—and the Senator from Arizona mentioned we need to move past some of these partisan divisions—is that this is an individual who is supported by both Democrats and Republicans.

I ask unanimous consent to have printed in the RECORD a letter indicating that support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 3, 2013.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We are former Solicitors General of the United States, and we write in support of the nomination of Patricia Millett for a seat on the United States Court of Appeals for the District of Columbia Circuit. Each of us has substantial first-hand knowledge of Ms. Millett's professional skills and personal integrity. It is our uniform view that she is supremely qualified for this important position.

Ms. Millett served for 15 years in the United States Department of Justice—first as an appellate attorney in the Civil Division during the George H. W. Bush Administration and then for 11 years in the Solicitor General's office, during the Clinton and George W. Bush Administrations. Since leaving the Department, she has co-led and then led the Supreme Court practice at Akin Gump. Over the course of her distinguished career, Ms. Millett has argued 32 cases in the Supreme Court and many more in the courts of appeals—in matters that span a broad range of federal-law issues, from constitutional challenges to administrative review, statutory-interpretation disputes, and commercial and criminal law questions. With deep experience in both private and government practice, she will bring an appreciation of both sides of the many important disputes before the District of Columbia Circuit.

Within the Bar, Ms. Millett has been a leader among her peers, and a mentor to many other lawyers, through her teaching visits to law schools and her work with a number of professional associations, including the Coke Appellate Inn of Court, the Supreme Court Institute, and the Opperman Institute for Judicial Administration.

Ms. Millett has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.

We understand there is an ongoing debate about the optimal number of active judges for the District of Columbia Circuit, and this letter takes no position on that issue. But if additional judges are to be confirmed, we think Ms. Millett's qualifications and character make her ideally suited for a position on that distinguished Court. Please do not hesitate to contact any of us if you have any questions.

Sincerely,

KENNETH W. STARR,
(Solicitor General,
1989–1993).

DREW S. DAYS III,
(Solicitor General,
1993–1996).

WALTER E. DELLINGER,
(Acting Solicitor General,
1996–1997).

SETH P. WAXMAN,
(Solicitor General,
1997–2001).

THEODORE B. OLSON,
(Solicitor General,
2001–2004).

PAUL D. CLEMENT,
(Solicitor General,
2005–2008).

GREGORY G. GARRE,
(Solicitor General,
2008–2009).

Mr. WARNER. Ms. Millett served seven former Solicitors General from all ends of the political spectrum. In the letter I just referred to, her nomination is supported by Democrats such as Walter Dellinger as well as Republicans such as Ted Olson and Ken Starr.

She has also been recognized by the National Law Journal as one of the hundred most influential lawyers in America, and has received the endorsement of the American Bar Association.

As mentioned by the Senator from California already, she has a remarkable personal story as well. She is active in our community in Virginia, she is a resident, and actually attends church in my home city of Alexandria. We saw earlier the picture of her and her husband, and as was mentioned before a picture is worth a thousand words. Her husband was deployed a number of times as a naval reservist in Operation Iraqi Freedom, and earlier this month the Military Spouse J.D. Network recognized Ms. Millett for her professional service and for her service as a spouse of an Active-Duty participant.

So this incredible lawyer, this incredible community servant, this individual who has the support of both Republicans and Democrats, should not be denied her appointment to the DC Circuit.

Again, I have not been here when we were in the minority, but as has been mentioned time and again, when John

Roberts—who is now, obviously, our Supreme Court Chief Justice—was nominated for the DC Circuit, he was confirmed unanimously. Even though many Democrats did not share his judicial views, they viewed his qualifications as impeccable.

I heard constantly the same from my colleagues on the other side, that this is not a question of Ms. Millett's qualifications. Why should this individual be denied her appropriate representation on the DC Court of Appeals? So I hope, my colleagues, that we can avoid further threats and counterthreats. Let's vote this individual based upon her qualifications. On any indication of qualifications, Patricia Millett is ably qualified, uniquely qualified to serve on the DC Circuit Court of Appeals, and I urge my colleagues to vote for her confirmation.

I yield the floor.

Mr. KAINE. Mr. President, I strongly support the nomination of Pattie Millett, of Alexandria, VA, to the United States Court of Appeals for the DC Circuit. Ms. Millett is extremely well qualified for this position, in terms of her legal expertise, experience, character, and integrity. The Senate should invoke cloture on and confirm her nomination.

As one of the Nation's leading appellate lawyers, Ms. Millett possesses remarkable legal expertise in this area. She has litigated appellate cases extensively, including 32 arguments and many briefs before the U.S. Supreme Court, and 35 arguments spanning 12 of the Federal Circuit Courts of Appeal (including the DC Circuit). Her cases have spanned the spectrum of legal issues that the DC Circuit confronts, including constitutional law, administrative law, civil and criminal procedure, commercial disputes, national security, and civil rights. Ms. Millett also has many years of experience in the public sector, having worked in the Office of the Solicitor General for over 11 years, and in the Appellate Section, Civil Division of the Department of Justice for 4 years. It's important to note that her service to the United States was bipartisan, spanning both Democratic and Republican administrations.

Ms. Millett graduated from Harvard Law School, magna cum laude, in 1988 and she clerked for the Honorable Thomas Tang of the U.S. Circuit Court of Appeals for the Ninth Circuit for 2 years.

I believe Ms. Millett possesses the character and integrity necessary for a nomination of this caliber. She is an active member of Aldersgate United Methodist Church, where she teaches Sunday school and visits the hospitalized and home-bound. For many years she has also participated in the Hypothermia Homeless Shelter, which operates during the winter months on the Route 1 corridor in Alexandria, preparing meals.

As a military spouse, Ms. Millett and her family have also sacrificed for our

Nation. Ms. Millett's husband was deployed during Operation Iraqi Freedom, so she brings a unique understanding of veterans' issues and the stress of deployment on soldiers and their families.

I know there have been issues raised regarding the caseload for the DC Circuit. These issues do not concern me. With respect to the size of the DC Circuit, Congress removed a seat under the Court Security Improvement Act of 2007. Today, three of the DC Circuit's eleven existing seats are vacant. And three other circuits currently have lower caseloads per active judge than the DC Circuit. Yet, just this year, the Senate confirmed nominees to two of these other circuit courts—the Eighth and Tenth Circuit.

As Governor of Virginia, I chose two members of the Supreme Court of Virginia and have thought deeply about qualities that make for a strong appellate judge. I believe Ms. Millett is superbly qualified for a position on the DC Circuit Court of Appeals. I hope the Senate invokes cloture on her nomination today, and that she is confirmed for a position on the DC Circuit.

Mrs. MURRAY. Mr. President, I wish to speak briefly about an outstanding candidate nominated to serve on the United States Court of Appeals for the District of Columbia Circuit. On June 4, 2013, President Obama nominated Patricia Millett to be a United States Circuit Judge.

Patricia's qualifications to be a United States Circuit Judge are impeccable. She is a graduate of Harvard Law School and the University of Illinois at Urbana-Champaign. Patricia practiced at Miller & Chevalier and worked as a law clerk for Judge Thomas Tang, on the Ninth Circuit Court of Appeals. Following 4 years in the appellate section of the Department of Justice's Civil Division, Patricia served as assistant to the Solicitor General for more than a decade.

After her public service, Patricia joined Akin Gump Strauss Hauer & Feld LLP, where she heads the firm's Supreme Court practice and is co-leader of its national appellate practice. She has extensive experience arguing cases before the Supreme Court—32 in all and is without question one of the Nation's leading appellate lawyers. Patricia's experience, education, and character have earned her praise from colleagues and clients alike. Following her nomination, the American Bar Association rated her unanimously well qualified to serve as a United States Circuit Judge.

Patricia is also a military spouse, having steadfastly stood by her husband's side as he served his country in uniform for 22 years. As she awaits Senate confirmation, I am proud to say Patricia's nomination is supported by Blue Star Families, by veterans, and active-duty members of the Armed Forces, who today stand with her as she prepares to serve her country once more. Their support is a testament to

Patricia's character and to the integrity with which she will serve as a federal judge.

I rise today to not only speak in strong support of Patricia's nomination, but also to decry the decision by Senate Republicans to once again play politics with President Obama's nominees and to place partisanship above all else.

I rise today because my colleagues in the minority have declared it unnecessary to fill the three vacancies on the DC Circuit, including the seat to which Patricia has been nominated. The Senate Republicans on the Judiciary Committee propose eliminating the 9th, 10th, and 11th seats on the DC Circuit, rather than confirming nominees put forward by this President. Now, of course, my Republican colleagues dispute any partisan motivation. Instead, they claim a diminished caseload on the DC Circuit simply does not warrant confirmation of President Obama's nominees. This might be a persuasive argument were it not belied by Senate Republicans' confirmation of President Bush's nominees to these same seats and by the fact that the DC Circuit caseload has been consistent over the past decade and has even increased in recent years.

In fact, when John Roberts, now Chief Justice of the Supreme Court, last held the seat Patricia would occupy, his caseload was lower than the pending caseload Patricia will encounter on her first day as a judge. Let me be clear, the fight over this confirmation has nothing to do with Patricia—instead it has everything to do with the fact that a Democrat, rather than a Republican, now controls the White House. My colleagues on the other side of the aisle are doing everything they can to prevent confirmation of this President's nominees.

Truly, the stakes are too high for this type of political gamesmanship. The DC Circuit is often called the second most important court in the United States, and for good reason. The DC Circuit handles some of the most complicated cases that enter the Federal court system, and its decisions touch the lives of Americans each and every day. From decisions affecting our clean air and water, to decisions having broad implications for labor relations, elections, and how we interpret and apply the Americans with Disabilities Act—decisions by the DC Circuit impact not only the quality of our lives today, but also our children's lives tomorrow.

Most importantly for our men and women in uniform, for our veterans, and for their families, the DC Circuit has jurisdiction over the Department of Defense and the Department of Veterans Affairs. Its decisions matter to our servicemembers, to our veterans, and to their families—which is why it is shameful that Senate Republicans would rather play politics than allow a clean up or down vote on Patricia's nomination. The American people ex-

pect more from us. They deserve more from us.

I urge my colleagues to set aside partisanship and politics and allow an up or down vote on Patricia's nomination. Through her distinguished career and public service, Patricia Millett has earned not only our admiration and respect, but our support. Join me in supporting this nominee who is eminently qualified to serve as a United States Circuit Judge.

Ms. HIRONO. Mr. President, I rise to speak in support of the nomination of Patricia Millett to be a Circuit Judge for the United States Court of Appeals for the District of Columbia Circuit.

As my colleagues have noted, Patricia Millett will bring a wealth of experience and skill to the bench. She is a nationally recognized appellate attorney. She has argued 35 cases in nearly all of the Federal appellate courts and 32 cases at the Supreme Court. Patricia Millett is unquestionably qualified to serve as a judge on the DC Circuit Court.

I am proud to serve on the Senate Armed Services and Veterans' Affairs Committees, and I have been moved by Patricia Millett's experience as part of a military family.

Her husband, Robert King, served in the Navy and as a Navy reservist until his retirement last year. In 2004, he was deployed to Kuwait as part of Operation Iraqi Freedom, and was called up again in the fall of 2009 for Afghanistan, while Patricia cared for their 2 children, maintained the household, and continued her career, arguing before the Supreme Court.

Patricia and her husband have faced what so many military families have, the difficulties of deployment, the challenges of separation and single parenting at home, and the process of reintegration when a servicemember returns. They have shown the deepest commitment to serving our Nation.

Patricia Millett will bring these important experiences and the devotion to this country unique to military families with her to the bench, a vital contribution to the DC Circuit given the distinct role it plays in adjudicating military and defense issues.

Much of Patricia's life has been devoted to public service, and her desire to serve as an appellate judge for the important DC Circuit is a reflection of that commitment to serve in the public interest. I am disappointed that our colleagues have blocked a vote to confirm Ms. Millett. I urge Senators to reconsider and support her nomination.

The PRESIDING OFFICER (Ms. BALDWIN). The majority leader.

SENATOR-ELECT CORY BOOKER

Mr. REID. Madam President, in a few minutes we are going to have the good fortune of welcoming a fine young man to be the next Senator from the State of New Jersey. I trust that serving in the Senate will be among the most rewarding experiences of his life, and he has had many of them.

I urge my fellow Senators, Democrats and Republicans, to get to know

this good man. I feel so elated that he is going to be here. Of course, I loved Frank Lautenberg. We served together for all those many years. But we are going to find that CORY BOOKER is going to be a great asset to this Nation and to the Senate.

He has had a tough time the last few months. His parents moved to Las Vegas in early August. And as things happen in life, his dad was stricken with a very violent stroke. His aunt lives there, his mom's sister. She is a retired dentist from California. I was there because of the August recess and I had the good fortune of meeting all three of them. His dad, of course, was not able to communicate and, sadly, he died not too long after that. But this was right before his election was completed, and it was very difficult for Senator-elect Booker going to Nevada, campaigning with all the national publicity he had in that election, but he, during this time of fire, did extremely well. I am very proud of him.

He had a demanding year, no doubt, with all the things he was doing and his deciding to run for the Senate. But he traveled to Nevada on various occasions, as I indicated, to be with his family and to support them. This quality he has was apparent early in life—his love of family and dedication to his parents, now especially his mom, who is going to be here today. He is not only a devoted son but a brilliant scholar and a dedicated public servant.

Think about this man's academic record: Stanford undergraduate, senior class president at Stanford. That fine institution also allowed him to study even more there and he earned a master's degree in sociology, which has served him well in the work he has done. His having this advanced degree in sociology helped him in his work with the people of the State of New Jersey and the city of Newark. But with him, one Stanford degree wasn't enough; he got two. And then, if that weren't enough—and it wasn't—he was chosen to be a Rhodes scholar and then got another advanced degree at Oxford.

If that wasn't enough, he went to Yale Law School. This is quite a record. He has been a city councilman and mayor for more than a decade. He has lived with his constituents and kept in touch with them like no mayor with whom I have ever come in contact. We are so fortunate to have him here. He has been with his constituents in the inner city of Newark. I commend him for his dedicated service to the people of New Jersey and the people of Newark.

Part of his job was to highlight the difficulties of working poor families, and he did that and he did it very well. He has done everything he can to highlight to everyone who would listen to him and watch him to indicate that many Newark residents are struggling to know where their next meal will come from. At a time in the history of this country when we have so many people needing so much, where the rich

are getting richer and the poor are getting poorer and the middle class is being squeezed, we are very fortunate to have this good man in the Senate. I am confident he will treasure his memories in this historic legislative body and serve his Nation and State with distinction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REID. Before we have this ceremony, I wish to say one thing about CORY BOOKER. I have talked about his great academic record. But for me, a frustrated wannabe athlete, his most impressive qualification, as far as I am concerned, is that he was a tight end for one of the great Stanford football teams.

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Election to fill the vacancy created by the death of Senator Frank Lautenberg of New Jersey. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the sixteenth day of October, 2013, Cory Booker, was duly chosen by the qualified electors of the State of New Jersey, a Senator for the unexpired term ending at noon on the 3rd day of January, 2015, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Frank Lautenberg.

Given, under my hand and the Great Seal of the State of New Jersey, this twenty-eighth day of October two thousand and thirteen.

By the Governor:

CHRIS CHRISTIE,
Governor.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Mr. MENENDEZ, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator. Welcome.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

EXECUTIVE SESSION

NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FED- ERAL HOUSING FINANCE AGEN- CY—Continued

Mr. REID. Mr. President, it is my understanding we are going to move now to the nomination of Mr. WATT. I yield back the time for the majority and the Republicans.

The VICE PRESIDENT. Without objection, it is so ordered. The time is yielded back.

CLOTURE MOTION

Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency.

Harry Reid, Tim Johnson, Mark Begich, Patrick J. Leahy, Christopher A. Coons, Martin Heinrich, Patty Murray, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Thomas R. Carper, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

The VICE PRESIDENT. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Texas (Mr. CRUZ).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 226 Ex.]
YEAS—56

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Portman
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Burr	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	

NAYS—42

Alexander	Blunt	Coats
Ayotte	Boozman	Coburn
Barrasso	Chambliss	Cochran

Collins	Hoeven	Reid
Corker	Isakson	Risch
Cornyn	Johanns	Roberts
Crapo	Johnson (WI)	Rubio
Enzi	Kirk	Scott
Fischer	Lee	Sessions
Flake	McCain	Shelby
Graham	McConnell	Thune
Grassley	Moran	Toomey
Hatch	Murkowski	Vitter
Heller	Paul	Wicker

NOT VOTING—2

Cruz	Inhofe
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The VICE PRESIDENT. On this vote the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Watt nomination.

The VICE PRESIDENT. The motion is entered.

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DIS- TRICT OF COLUMBIA

CLOTURE MOTION

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie Hirono, Angus S. King, Jr. Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that there be 2 minutes of debate equally divided in the usual format.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Patricia Millett is unquestionably qualified to be the next judge on the DC Circuit. The Senate will soon vote to end debate on her nomination and I hope that the rank partisanship that shut down our Government earlier this month will not be on display again with this upcoming vote. I hope the moderates who prided themselves in finding a solution to the shutdown will agree that Ms. Millett is an extraordinary nominee who should not be filibustered.

Over the last few weeks, I have heard those who want to filibuster Ms. Millett make some unfounded claims to justify their partisan agenda. First they asserted that the President is